

Chapter 1

VIRGINIA REFUGEE RESETTLEMENT PROGRAM OVERVIEW

A. Legal Base and Framework

1. Legal Base – The legislative basis for the Refugee Resettlement Program is the U.S. Immigration and Naturalization Act and the Refugee Act of 1980 (P.L. 96-212). The regulatory basis for the program is *45 CFR, Part 400, Refugee Resettlement Program*.
2. Program Funding -- The. Refugee Resettlement Program is 100 percent federally funded. In Virginia, there are no state dollars allocated for refugee services. Funding authority is *45 CFR, Part 400 Subpart J, Federal Funding*.
3. Program Goals – The national refugee resettlement program is a humanitarian program. Its goals are (i) to assist in the successful social integration of refugee populations, as soon as possible after their arrival in the U.S., into the communities where they are resettled and (ii) to do this with an emphasis on attaining the earliest durable economic self-sufficiency for individuals and families.
4. Federal Service Delivery Flow
 - a. The U.S. Department of State contracts with national voluntary agencies to provide initial reception and placement services under the Refugee Reception and Placement Program. Funding for this program does not come through the VDSS Office of Newcomer Services. The program funding flow is directly between the national voluntary agencies and their affiliate offices in each state.
 - b. The U.S. Department of Health and Human Services, Office of Refugee Resettlement (ORR) provides funding and guidance on service delivery beyond the reception and placement period to both refugees and other eligible refugee populations.
 - i. ORR awards direct funding to state agencies to provide employment services, English language training, time limited cash and medical assistance, refugee medical screenings, and foster care services to unaccompanied refugee minors. In Virginia this funding is awarded to the Virginia Department of Social Services, Office of Newcomer Services.
 - ii. ORR contracts directly with national voluntary agencies and their affiliate offices in Virginia for an employment program called the Matching Grant Program.

5. Virginia Refugee Services Delivery

- a. The Virginia Department of Social Services, Division of Community and Volunteer Services, Office of Newcomer Services administers Virginia's Refugee Resettlement Program. The Director of the Office of Newcomer Services (ONS) is also the Virginia State Refugee Coordinator.
- b. The Virginia State Refugee Coordinator
 - i. Administers the federal refugee services grants.
 - ii. Monitors the expenditures of funds and delivery of services.
 - iii. Represents the refugee program on behalf of the state.
 - iv. Serves as the liaison between the federal Office of Refugee Resettlement and the local service providers to ensure coordination of public and private resources for the benefit of refugees.
- c. The federal grants administered by ONS are
 - i. The Refugee Social Services Program and the Targeted Assistance Program, which cover the costs for employment services, English language training, and employment support services.
 - ii. Refugee Cash and Medical Assistance, which cover the costs for the Refugee Cash Assistance Program, the Refugee Medical Assistance Program, and the Unaccompanied Refugee Minors Program.
 - iii. The Refugee Medical Assistance Program includes the costs for refugee medical screenings.
 - iv. Discretionary grants as approved and funded.
- d. Refugee Service Providers are:
 - i. Local departments of social services, which process Refugee Cash Assistance and Refugee Medical Assistance applications,
 - ii. Local health districts, which conduct refugee medical screenings,
 - iii. Local affiliates of national non-profit private agencies, which provide Refugee Social Services and Target Assistance employment services, and
 - iv. A non-profit private agency, which provides foster care services to unaccompanied refugee minors.

B. Eligible Refugee Populations

1. In order to be eligible to receive benefits and services under the Virginia Refugee Resettlement Program (VRRP), an individual must provide documentation that he or she has one of the legal immigration statuses listed below. *When used in this manual, unless noted otherwise, the term refugee refers to anyone who falls into any of these statuses.*
 - a. *Refugee* is a person outside his/her country of origin because of a well-founded fear of persecution due to race, religion, nationality, political opinion, or membership in a social group. Eligible participants hold the legal immigration status of a refugee, which is granted before their arrival in the United States.
 - b. *Asylee* is a person who, either after arrival in the U.S. or at a border, demonstrated that he/she qualified under the “refugee” definition. An asylee does not enter the United States with the legal status of refugee, but rather applies to the USCIS for asylum after arrival. Once granted asylum, the asylee is eligible for all services and support offered by the Virginia Refugee Resettlement Program (VRRP).
 - c. *Cuban/Haitian entrant* is a person from Cuba or Haiti who has been admitted (or paroled) into the United States under P.L. 96-422 or obtains that immigration status after arrival.
 - d. *Amerasian* is a person of American and Asian descent, especially one whose mother is Asian and whose father is American. Certain Amerasians from Vietnam are admitted to the United States as immigrants under the provisions of specific federal laws. These individuals were born in Vietnam after January 1, 1962, and before January 1, 1976, and were fathered by U.S. citizens. Eligible spouses, children, and parents or guardians also qualify for the program.
 - e. *Afghan or Iraqi with special immigrant visa (SIV) status* is person who was granted SIV status under Section 8120 of Pub. L. No. 111-118, Department of Defense Appropriations Act, 2010. An Afghan or Iraqi with SIV status is eligible for refugee and entitlement benefits and services for the same time period as refugees.
 - f. *Victim of Trafficking* is a person who has been certified by the federal office of Refugee Resettlement as a victim of a severe form of human trafficking. Public Law, No. 106-386, Div. A, 114 Stat.1464 (2000). Victims of trafficking are eligible for benefits and services to the same extent as refugees. The Trafficking Victims Protection Act defines trafficking as:

- i. a commercial sex act induced by force, fraud, or coercion, or such act induced on a person who has not attained 18 years of age; or
 - ii. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
 - g. *Certain Lawful Permanent Residents* - Persons who currently hold the immigration status of permanent resident alien and who previously held one of the statuses listed above are eligible to receive the VRRP services.
 - h. *Unaccompanied Refugee Minors* - An unaccompanied minor is
 - i. a child under 18 who lawfully enters the country unaccompanied by a parent or an immediate adult relative, or who has no known immediate adult relative in the U.S. and has been classified by USCIS as a refugee unaccompanied minor and
 - ii. an unaccompanied alien child, special immigrant juvenile, or child asylee admitted into the Unaccompanied Refugee Minor Program by the federal Office of Refugee Resettlement.
- 2. Groups that are not eligible for refugee services include, but are not limited to:
 - a. Persons who formerly held refugee status and have become naturalized citizens of the U.S.
 - b. Persons who were admitted to the U.S. as immigrants, and do not have one of the U.S. immigration status listed above.

(Note: An exception is Trafficking Victims, whose eligibility is determined not by immigration status, but by federal Office of Refugee Resettlement certification letter.)
 - c. Persons who have been granted legal resident status under the Immigration Reform and Control Act of 1996 (P.L. 99-603).
- 3. Immigration status is demonstrated through appropriate documentation.

C. Virginia's Model for Refugee Resettlement

Virginia's model for refugee resettlement is intended to promote effective resettlement through attainment of self-sufficiency at soon as possible after arrival. The model is based on the following principles:

- a. Maximization of limited resources through cohesive and comprehensive coordination of community service providers.
- b. Avoidance of long-term public assistance utilization.
- c. Promotion of early employment leading to economic self-sufficiency.
- d. Development of an individualized Comprehensive Resettlement Plan (CRP) that identifies (i) each family member's education, skills, health, and English language fluency and (ii) the services that each will need to become self-sufficient and integrated into the community.
- e. Provision and facilitation of English language instruction.
- f. Provision of services in a manner that addresses the refugee's linguistic and cultural background.
- g. Inclusion of mutual assistance associations and ethnic organizations, which bring unique strengths and cultural knowledge to the resettlement process.

D. Special Federal and State Requirements

1. Access to Services by Persons With Limited English Proficiency

All state, local, and community agencies receiving funding directly and indirectly through the Office of Newcomer Services are to comply with Title VI of the Civil Rights Act, which requires that persons with limited English proficiency (LEP) have access to benefits and services for which they may be eligible. As they apply to refugee service delivery, these requirements include:

- a. Having a procedure for identifying the language needs of the refugee.
- b. Providing proficient interpreters in a timely manner during hours of operation.
- c. Having written guidance regarding interpreter and translation services.
- d. Disseminating agency LEP guidance to staff.

2. Religion & Proselytism

- a. Refugees may not be discriminated against because of their religious preference.
- b. No staff person or volunteer may apply pressure upon a refugee to convert to a specific religion.

3. Confidentiality

Disclosure of certain information about a refugee between the local resettlement agency and the local department of social services is allowed when it is directly necessary for the administration of and delivery of refugee services and entitlement services (benefit programs).

- a. The individual's name, address, and phone number as well as whether or not he or she has applied for or is receiving cash assistance may be disclosed without written consent of the refugee.
- b. Other information may be shared with the written consent of the refugee, or in the case of a minor, the refugee's parent or guardian. See Appendix A for a form that can facilitate obtaining permission to release case information other than the information listed above in item a.

4. Freedom of Information

- a. The Freedom of Information Act does not apply to case records.
- b. Case information, except medical records addressing mental health issues, can be released to the refugee, guardian, 'guardian ad liter', and authorized representative who has proper identification and a release of information documentation.

Exception: Mental records, including psychiatric and psychological examination reports, may not be personally reviewed by the refugee or his representative if the treating physician has made a written statement that a review of such records would be injurious to the refugee's physical or mental health or well-being.

5. Privacy Protection

- a. *The Virginia Privacy Protection Act of 1976* (Title 2.1, Chapter 26, *Code of Virginia*) ensures safeguards for personal privacy by agencies maintaining records on individuals.

b. The *Principles for Disclosure* intended to safeguard individual privacy include:

- i. Not keeping a secret the fact that there is Virginia Department of Social Services data base systems that contain personal information in the automated case file.
- ii. Not collecting case information that is not required or authorized by federal and state governmental agencies.
- iii. Entering accurate and current information into case files and electronic records.
- iv. Allowing an individual to correct, erase, or amend inaccurate, obsolete, or irrelevant information.
- v. Using client data only for the purposes related to the delivery of refugee services.

6. Reporting Suspected Abuse & Neglect

Any refugee service provider is required to immediately report to the local department of social services when the service provider has a suspicion that a child, an elderly person, or a disabled person they are serving is being abused, neglected, or